

REMARKS / DISCUSSION OF ISSUES

Claims 1-9 are pending in the application. Claim 9 is newly added

The applicants thanks the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority documents.

The Examiner is respectfully requested to state whether the drawings are acceptable.

Claims are amended for non-statutory reasons: to correct one or more informalities, remove figure label numbers, and/or to replace European-style claim phraseology with American-style claim language. The claims are not narrowed in scope and no new matter is added.

Dependent claim 9 is added to at least partially restore the original range of claims that existed before multiple dependencies were removed in the preliminary amendment. No new matter is added.

The Office action rejects claims 1-6 and 8 under 35 U.S.C. 102(b) over Zhou (USP 5,593,469). The applicants respectfully traverse this rejection.

The Examiner's attention is requested to MPEP 2131, wherein it is stated:

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1, upon which claims 2-9 depend, claims a display device that includes a first light guide, a second light guide, a movable element that is arranged between the light guides, and a selector that is configured to selectively bring the movable element into contact with a selected one of the first and second light guides.

Zhou fails to teach a second light guide, and fails to teach a selector that is configured to selectively bring a movable element into contact with a selected one of the first and second light guides.

The Office action asserts that Zhou's element 40 corresponds to a second light guide. The applicants respectfully disagree. Zhou's element 40 is a back plate; it is not a light guide:

"The display is composed of a light source 60, a micro-lens 61, a optical waveguide plate 25, a plurality of light switches 30, a front plate 50, and a back plate 40... The optical waveguide plate 25 is sandwiched between a front plate 50 and a back plate 40. Spacers 26, 51, located in the cladding 21 regions of the optical waveguide plate 25, are used to separate the optical waveguide plate 25 from the front and the back plates 50, 40, respectively. Light switches 30 are constructed as suspended beams and are placed in a free space between the optical waveguide plate 25 and the back plate 40." (Zhou, column 6, lines 12-36.)

This back plate 40 is detailed at column 15, under the heading of "Front and Back Plates", whereas the light guide 25 is detailed at column 17, under the heading of "Fabrication of Waveguide".

Because Zhou fails to teach a second light guide, and fails to teach a selector that is configured to selectively bring a movable element into contact with a selected one of the first and second light guides, as specifically claimed in claim 1, the applicants respectfully maintain that the rejection of claims 1-6 and 8 under 35 U.S.C. 102(b) over Zhou is unfounded, per MPEP 2131.

The Office action rejects claim 7 under 35 U.S.C. 103(a) over Zhou. The applicants respectfully traverse this rejection.

The Examiner's attention is requested to MPEP 2142, wherein it is stated:

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) **must teach or suggest all the claim limitations**... If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness."

Claim 7 is dependent upon claim 1. As noted above, Zhou fails to teach the elements of claim 1, and therefore fails to teach all of the claim limitations of claim 7. The applicants respectfully maintain that the rejection of claim 7 under 35 U.S.C. 103(a) over Zhou is unfounded, per MPEP 2142.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Robert M. McDermott, Attorney  
Registration Number 41,508  
patents@lawyer.com  
804-493-0707

**Please direct all correspondence to:**  
Corporate Counsel  
U.S. PHILIPS CORPORATION  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001